

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NORTH DAKOTA

In re:) Case No. 24-30010
) (Chapter 11)
RED RIVER SUBS, INC.)
)
Debtor.)
_____)

NOTICE OF PLAN MODIFICATION UNDER RULE 3019(a)

Comes now Red River Subs, Inc. (the “Debtor” or “Red River Subs”), by and through undersigned counsel, pursuant to Federal Rule of Bankruptcy Procedure 3019(a), and notes as follows:

Attached hereto as Exhibit A is a modified plan of reorganization (the “Amended Plan”) for which Red River Subs will seek confirmation at a hearing on Thursday, June 13, 2024, in accord with the existing scheduling order in this case, DE #82. A redline comparison copy is attached hereto as Exhibit B. The Amended Plan differs from the extant plan (the “Original Plan”), DE #78, in three material manners:

First, Section 3.02 of the Original Plan is amended to include additional language suggested in an objection filed by the United States Trustee, DE #88, with the additional language being verbatim copied from that proposed in the subject objection;

Second, the third sentence of Article 4, Class 1 has been edited to reflect a linguistic compromise reached between the Debtor and First Community Credit Union through negotiations between counsel for the two parties; and

Third, additional language has been addended to Article 4, Class 1, creating a mechanism through which the Debtor will present First Community Credit Union with a one year promissory note, secured by an existing UCC lien, upon the Debtor’s making of the final payment under the

Amended Plan, so as to provide First Community Credit Union with an additional \$20,000.00 in payments during a sixth year (plus interest at 8%), with such also being a byproduct of negotiations between the Debtor and First Community Credit Union, through counsel.

These amendments are aimed at addressing the objection of the United States Trustee and reaching a compromise with First Community Credit Union that will avoid a potentially burdensome dispute as to the valuation of the Debtor's personal property and, correlative, the size of the credit union's secured claim herein.

Under the Federal Rules of Bankruptcy Procedure, where an amendment such as this is proposed, if this Honorable Court finds that ". . . the proposed modification does not adversely change the treatment of the claim of any creditor or the interest of any equity security holder who has not accepted in writing the modification, it shall be deemed accepted by all creditors and equity security holders who have previously accepted the plan." Fed. R. Bankr. P. 3019(a).

The proposed modifications have been carefully designed to ensure they not adversely impact any party in interest other than the Debtor. Moreover, the only party materially impacted by the proposed amendment is First Community Credit Union, which is impacted through the making of payments *after* the Amended Plan's duration elapses and which is impacted through the receipt of additional monies. The amendment does not alter the sum payable to First Community Credit Union (or any other creditor) during the life of the Amended Plan.

WHEREFORE, Red River Subs respectfully prays this Honorable Court (i) confirm the Amended Plan, without requiring the existing confirmation hearing be postponed, new ballots be issued, or new notice be given; and (ii) afford such other and further relief as may be just and proper.

[Signature on Following Page]

Respectfully Submitted,

Dated: June 9, 2024

By: /s/ Maurice B. VerStandig
Maurice B. VerStandig, Esq.
The Dakota Bankruptcy Firm
1630 1st Avenue N
Suite B PMB 24
Fargo, North Dakota 58102-4246
Phone: (701) 394-3215
mac@dakotabankruptcy.com
Counsel for the Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2024, a copy of the foregoing was served electronically upon filing via the ECF system.

/s/ Maurice B. VerStandig
Maurice B. VerStandig